

TITLE 22
AGRICULTURE AND HORTICULTURE

CHAPTER 43
WEATHER MODIFICATION DISTRICTS

22-4301. ESTABLISHMENT -- PETITION -- ELECTION. (1) The county commissioners of any county shall, upon petition signed by not less than fifty (50) resident real property holders of said county, or any portion thereof, which may exclude incorporated cities, undertake the following procedure to determine the advisability of resolving to establish and maintain a weather modification district within the county as may be designated in the petition.

(a) A petition to form a weather modification district shall be presented to the county clerk and recorder. The petition shall be signed by not less than fifty (50) of the resident real property holders within the proposed district. The petition shall designate the boundaries of the district.

(b) The petition shall be filed with the county clerk and recorder of the county in which the signers of the petition are located. Upon the filing of the petition the county clerk shall examine the petition and certify whether the required number of petitioners have signed the petition. If the number of petition signers is sufficient, the clerk shall transmit the petition to the board of county commissioners.

(c) Upon receipt of a duly certified petition the board of county commissioners shall give notice of an election to be held, subject to the provisions of section [34-106](#), Idaho Code, in such proposed district for the purpose of determining whether or not the proposed district shall be organized and to elect the first board of trustees for the district. Such notice shall include the date and hours of the election, the polling places, the maximum percent of market value for assessment purposes of taxable property within the district which the proposed district will be permitted to levy, the general purposes of the proposed district, a description of lands to be included in the proposed district, a statement that a map of the proposed district is available in the office of the board of county commissioners, and the names and terms of the members to be elected to the first board of trustees. The notice shall be published once each week for three (3) consecutive weeks prior to such election, in a newspaper of general circulation within the county.

(d) The election shall be held and conducted consistent with the provisions of [chapter 14, title 34](#), Idaho Code. The county clerk shall appoint judges of election, one (1) of whom shall act as clerk for the election. At such election the electors shall vote for or against the organization of the district and the members of the first board of trustees.

(e) The county clerk shall certify the returns of the election to the board of county commissioners. If a majority of the votes cast at said election are in favor of the organization, the board of county commissioners shall declare the district organized and give it a name by which, in all proceedings, it shall thereafter be known, and shall further designate the first board of trustees elected, and thereupon the district shall be a legal taxing district.

(f) On the third Tuesday of May, in the next odd-numbered calendar year after the organization of any district, and on the third Tuesday of May every odd-numbered year thereafter, an election shall be held.

At the election in any district hereafter organized, there shall be elected by the qualified electors of the district, two (2) members of the board to serve for a term of four (4) years; at the next odd-numbered year election, there shall be elected one (1) member of the board to serve for a term of four (4) years. Such election shall be held and conducted consistent with the provisions of [chapter 14, title 34](#), Idaho Code.

In any election for trustees, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that only one (1) qualified candidate has been nominated for a trustee position, it shall not be necessary for the candidate to stand for election, and the board of trustees of the district shall declare such candidate elected as trustee, and the secretary of the district shall immediately make and deliver to such person a certificate of election.

[22-4301, added 1975, ch. 145, sec. 1, p. 334; am. 1982, ch. 254, sec. 2, p. 647; am. 1995, ch. 118, sec. 11, p. 438; am. 2009, ch. 341, sec. 6, p. 998; am. 2011, ch. 11, sec. 3, p. 26.]

22-4302. WEATHER MODIFICATION FUND -- CREATION -- ADMINISTRATION. The board of trustees of a weather modification district shall conduct the affairs of the district. The board of trustees shall certify a budget to the board of county commissioners to fund the operations of the district. The budget preparation, hearings and approval shall be the same as required for any county budget. The certification of the budget to the board of county commissioners shall be as required for other taxing districts. The board of county commissioners may levy annually upon all taxable property in the weather modification district, a tax not to exceed four (4) mills, to be collected and paid into the county treasury and apportioned to a fund to be designated the "weather modification" fund, which is hereby created. Such fund shall be used by the district for the gathering of information upon, aiding in or conducting programs for weather control or modification, and such activities related to weather modification programs as are necessary to insure the full benefit of such programs. Moneys in the fund may be paid out only on order of the board of trustees.

[22-4302, added 1975, ch. 145, sec. 2, p. 334.]

CHAPTER 44 IDAHO AQUACULTURE COMMISSION -- [REPEALED]